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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/975,873      | 10/12/2001  | Jon Buzzard          | CRD0959             | 9691             |

27777 7590 05/05/2003  
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| EXAMINER |
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NGUYEN, VI X

| ART UNIT | PAPER NUMBER |
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3731

DATE MAILED: 05/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                             |                  |
|------------------------------|-----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.             | Applicant(s)     |
|                              | 09/975,873                  | BUZZARD ET AL.   |
|                              | Examiner<br>Victor X Nguyen | Art Unit<br>3731 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 October 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-7.      6) Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a reference number 28 which is not shown in figure 1. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Gunderson (U.S.5,776,142).

Figure 1, Abstract and col. 2, lines 23-37 of Gunderson shows a medical device delivery system having all the limitation as recited in the above listed claims, including: an inner shaft (40); an outer sheath (50); a medical device (labeled in col. 4, lines 29-35) is within the outer sheath (50), wherein a handle (20, 30) is coupled with the inner shaft (40) and the outer sheath (50); and wherein the handle has a first and second actuator (24, 34) for adjusting the positions of the inner shaft and the outer sheath. Furthermore, the first and the second actuators (24, 34) provide a different amount of mechanical advantage (col. 8, lines 36-60).

Regarding claims 2 and 3, wherein one of the actuator provides a mechanical advantage of 1:1 (labeled as the pitch of the threads 28 may match the pitch of the coils in the stent, in col. 8, lines 37-44); and wherein the first actuator (labeled as rotation of the handle 20 in col. 4, lines 57-61) is rotated around a threaded base (32).

Regarding claims 4 and 5, wherein the second actuator (24) slides along a slot (fig. 2, item 25); and wherein the first and second actuators are formed as a lever (fig. 1).

Regarding claims 6 and 7, wherein the first actuator provides a mechanical advantage greater than 1:1 (col. 8, lines 45-60); and wherein the handle (20, 30) and the first and the second actuators (24, 34) can operate by hand.

Claim 8 is rejected under 35 U.S.C. 102 (b) as being anticipated by Olson et al (U.S.5,906,619).

Figures 8-10, 12, Abstract and col. 2, lines 11-61, col. 3, lines 1-7 of Olson et al show a medical device delivery system having all the limitation as recited in the above listed claims, including: a housing (50); an inner shaft (34); an outer shaft (32) is movably coupled to the inner shaft (34), wherein first and second means (col. 8, lines 49-64) for selectively move the outer shaft (32) member; and wherein the first means (112) is adapted for adjustment of the position of the outer shaft (32), and the second means (fig. 12, col. 8, lines 49-64) is adapted for a large scale movement of the outer shaft (32) member.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,704,914 to Stocking

U.S. Pat. No. 6,203,550 to Olson

U.S. Pat. No. 5,433,723 to Lindenberg      U.S. Pat. No. 5,749,921 to Lenker

U.S. Pat. No. 5,290,310 to Makower      U.S. Pat. No. 5,312,351 to Gerrone

U.S. Pat. No. 5,759,186 to Bachmann      U.S. Pat. No. 5,601,568 to Chevillon

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (703) 305-4898. The examiner can normally be reached on M-F (8-4.30 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on (703) 308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Victor X Nguyen  
Examiner  
Art Unit 3731

vn *vr*  
April 22, 2003

  
KEVIN T. TRUONG  
PRIMARY EXAMINER

4/28/03